

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

SCOTT HUGGETT,

Civil No. 05-635-HU

Plaintiff,

v.

ORDER

JO ANNE B. BARNHART,
COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

MARSH, Judge.

Magistrate Judge Dennis James Hubel filed his Findings and Recommendation on May 12, 2006. The matter is now before me. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. See §636(b)(1)(C); Simpson v. Lear Astronics Corp., 77 F.3d 1170, 1174-5 (9th Cir. 1996). Having reviewed the legal principles de

novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Hubel's Findings and Recommendation #19. The Commissioner's decision is reversed and remanded pursuant to sentence four of 42 USC §405(g) for further administrative proceedings in accordance with Judge Hubel's findings. I recommend that the commissioner:

1. Obtain additional medical evidence with respect to Huggett's diagnosis of conversion disorder;
2. Re-evaluate Huggett's credibility if the additional medical evidence indicates that credibility findings based on the absence of objective physical findings are inappropriate with his diagnosis of a conversion disorder;
3. Re-evaluate the evidentiary weight reports of Doctors Lin and Ginocchio if the additional medical evidence indicates that medical opinions based solely on the claimant's subjective symptoms are appropriate in cases of conversion disorder; and

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4. Re-evaluate the MRFC and the hypothetical question presented to the VE, in light of the findings made under recommendations 1-3.

IT IS SO ORDERED.

DATED this 7 day of June, 2006

/s/ Malcolm F. Marsh
Malcolm F. Marsh
United States District Judge